

REMARKS

This amendment is being filed in response to the Office Action mailed June 10, 2003. A notice of appeal accompanies this amendment. By this amendment, claims 10-15 are cancelled, without prejudice, as required in response to a Final Rejection. Accordingly, only claims 1-9 and 16-18 remain pending in this application. No other amendment is made. Accordingly, entry of this amendment and reconsideration of the application are requested.

Claims 1-9 and 16-18 have been rejected under 35 U.S.C § 103(a) as being unpatentable over WO 98/30304 (WO '304) in view of U.S. Patent No. 5,073,012 to Lynam, and under WO '304 in view of U.S. Patent No. 5,593,823 to Wollowitz et al. Applicants traverse these rejections.

The inventors have discovered that while heating the blood or plasma in the manner described in WO '304 is advantageous, it can result in the degradation of proteins contained in the blood. In WO '304, heat is applied to container 10 at the initial stages of the process in order to raise the temperature of the blood or plasma to about 37°C prior to separation of plasma from the red blood cells, and halogen lamp 26 is preferably utilized to do so. Halogen lamp 26, however, may emit radiation in a wavelength range which will contact the blood or plasma in container 10 and potentially degrade key proteins therein. This wavelength range is from 190 to 400 nm which generally corresponds to the ultraviolet wavelength band of the electromagnetic spectrum.

In the present claimed invention, in order to avoid this potential degradation of blood proteins, filter 40 is provided between halogen lamp 26 and container 10, and in addition to any UV filtering that might occur if a polycarbonate material is used as the wall of the container. Filter 40 blocks all or substantially all of the radiation in the above mentioned wavelength range which is believed to be responsible for the unwanted protein degradation.

It is acknowledged in the Office Action that WO '304 does not teach or suggest the use of a filter disposed between the heat-emitting device and the container to filter the radiation emitted from the heat-emitting device to remove substantially all radiation therefrom having a wavelength in the range of from 190 to 400 nm, as presently claimed.

In this regard, the Examiner relies upon Lynam or Wollowitz. However, Applicants respectfully submit that neither Lynam nor Wollowitz rectify the deficiencies noted above in WO '304, and, more importantly, neither provides motivation to modify the teachings of WO '304 to include a filter as presently claimed.

Lynam is directed to a laminate electro-optic vehicular rearview mirror which is protected against scattering of glass or other mirror element fragments if broken or damaged in a collision while reducing the risk of laceration from contact with the front glass or other element. Lynam simply teaches that commercial polymers absorb ultraviolet radiation because they possess

chromophoric groups either as regular constituents or as impurities. Lynam further teaches that, in this regard, chromophores which absorb electromagnetic radiation of a wavelength below about 400 nm are, therefore, effective screens against UV radiation, and polycarbonate, polyester and aromatic polyurethanes contain such chromophores as a major part of their structure.

It is asserted in the final rejection that Lynam is cited only to show that polycarbonate material filters UV radiation. However, Lynam goes on to say: "Yet, these above materials [including polycarbonate] do not absorb UV radiation uniformly over the entire UV range." (See Lynam, col. 8, lines 66-68.)

Wollowitz is directed to inactivating pathogens in blood. Rather than removing substantially all radiation having a wavelength in the range of from 190 to 400 nm, Wollowitz actually teaches a photoactivation device that employs UV radiation. See Wollowitz beginning on col. 8, line 55.

Neither Lynam nor Wollowitz suggests modifying the apparatus taught by WO '304 to include a filter located between the heat-emitting device and the container for filtering the radiation emitted from the heat-emitting device to remove substantially all radiation therefrom having a wavelength in the range from 190 to 400 nm. **Moreover, WO '304 suggests no need for it.** Applicants respectfully submit that the rejection is based upon a hindsight modification of the teachings of the primary reference, WO '304, using applicants' specification because only applicants' specification provides for an apparatus including a separate filter for centrifuging blood or plasma to separate a component therefrom without degradation of protein contained in the blood or plasma, as recited in the present claims.

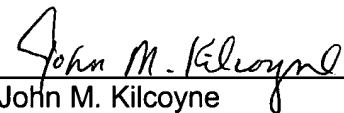
There is still no suggestion other than Applicants' own specification of modifying the apparatus and method of WO '304 to, as presently claimed, include, a separate filter for radiation in the 190 to 400 nm wavelength range. Accordingly, withdrawal of this rejection is requested.

Further, the data in the application appears to be misread in the Office Action. The undersigned does not understand the criticism in the action of the data. For example, the action asserts that "3/6 pairs show an increase in % FPB with UV filter." However, it appears to the undersigned that all samples pairs except sample pairs 9 and 10 show an increase with the filter. Additionally, pairs 9/10, 11/12 and 13/14 contain added thrombin. Again, all sample pairs except sample pairs 9 and 10 show an increase with the UV filter. Accordingly, it is submitted that this data rebuts any possible *prima facie* obviousness rejection.

In view of the above, entry of the amendment and reconsideration and allowance of this application are believed to be in order. Such actions are hereby solicited.

Respectfully submitted,

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